

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6408

BILL NUMBER: HB 1066

DATE PREPARED: Nov 29, 2000

BILL AMENDED:

SUBJECT: Failure to Pay for Motor Vehicle Fuel.

FISCAL ANALYST: Sherry Fontaine

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person commits fuel theft, a Class D felony, if the person knowingly or intentionally leaves the place where fuel was dispensed into the fuel tank of the person's motor vehicle without paying or authorizing payment for the gasoline or motor vehicle fuel. The bill provides that, in addition to the standard penalties for a Class D felony, the driving license of a person who commits fuel theft shall be suspended for 90 days, subject to reinstatement upon payment of a ten dollar reinstatement fee. The bill also provides exceptions to the requirement that a person whose driver's license or vehicle registration has been suspended for reasons other than for failure to provide proof of financial responsibility provide the Bureau of Motor Vehicles (BMV) a certificate of compliance concerning financial responsibility. It also makes conforming amendments.

Effective Date: July 1, 2001.

Explanation of State Expenditures: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

This bill also provides that a person who commits fuel theft shall have their driver's license suspended for 90 days, subject to reinstatement upon payment of a \$10 reinstatement fee. These fees would be deposited into the Motor Vehicle Highway Account that supports the BMV.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction; Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.